

Message Text

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FM AMEMBASSY BERLIN

TO SECSTATE WASHDC 0019

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E.O. 11652: N/A

TAGS: AFSP, GE

SUBJECT: LEASES FOR EAST BERLIN

REF: BERLIN 1884

1. LOEFFLER, DIRECTOR, GDR DIPLOMATIC SERVICES
OFFICES (DLA), RETURNED TO US ON OCTOBER 24 UNSIGNED
THE ENGLISH TRANSLATIONS OF THE LEASES ON OUR PROPERTIES IN
EAST BERLIN. GDR DIFFICULTIES WITH THE ENGLISH TEXT
STEM FROM A FEW INACCURACIES IN TRANSLATION AND ONE
TYPOGRAPHICAL ERROR. DETAILS FOLLOW:

A. SECTION 4.6, PARA 1. PHRASE "... IN DEM ZUM
VERTRAGSGEMAESSEN GEBRAUCH GEEIGNETEN ..." OMITTED
FROM TRANSLATION. EMBASSY'S REVISED TRANSLATION OF THIS
SECTION IS: "UPON TERMINATION OF THE LEASE, THE LESSEE
SHALL RETURN TO THE LESSOR, ON THE BASIS OF THE TRANSFER/
ACCEPTANCE FORM, THE PREMISES AND ALL ITEMS LEASED
WITH IT IN CONFORMITY WITH THEIR CONTRACTUALLY SPECIFIED
USE AND IN THE SAME RENOVATED STATE, EXCEPTING
NORMAL WEAR AND TEAR, IN WHICH HE RECEIVED THEM, TOGETHER
WITH ALL KEYS, INCLUDING THOSE MADE BY THE LESSEE."

B. SECTION 4.6, PARA 2. DELETE "... OR OBJECTS ..."
REVISED SENTENCE WOULD READ: "ANY FURNISHINGS WHICH WERE
INSTALLED IN THE ...".

C. SECTION 5.4, PARA 1. PHRASE "... DER IHM ZUM
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GEBRAUCH UEBERLASSENEN ..." OMITTED FROM TRANSLATION. MOREOVER, DLA DISPUTED APPROPRIATENESS OF TRANSLATING "ANLAGEN" WITH "GROUNDS." EMBASSY'S REVISED TRANSLATION OF THIS SECTION IS: "THE LESSEE UNDERTAKES TO TREAT WITH PROPER CARE THE PREMISES, INCLUDING BUILT-IN FURNITURE, SANITARY AND TECHNICAL EQUIPMENT, INSTALLATIONS, ETC. PROVIDED FOR HIS USE, TO KEEP THEM IN GOOD WORKING ORDER AND TO PERFORM ALL MINOR REPAIRS."

D. SECTION 7.3. FIRST SENTENCE OF SECTION OMITTED FROM TRANSLATION. IN ADDITION, "OUR COPIES" SHOULD READ "FOUR COPIES" AND "ONE SIGNED AND SEALED COPY" SHOULD READ "TWO SIGNED AND SEALED COPIES." EMBASSY'S REVISED TRANSLATION OF THIS SECTION IS: "THE LEASE HAS BEEN DRAWN UP IN FOUR COPIES. THE LESSEE ACKNOWLEDGES RECEIPT OF FOUR COPIES OF THE LEASE AND UNDERTAKES TO RETURN TO THE LESSOR TWO SIGNED AND SEALED COPIES WITHIN SIX WEEKS OF THE DATE APPEARING ON THE LEASE."

2. LOEFFLER ALSO PROPOSED TWO CHANGES TO THE DLA STANDARD LEASE, AS FOLLOW:

A. SECTION 4.8. THIS WOULD BE A NEW PROVISION SPECIFYING THAT THE PROPERTY IDENTIFIED IN THE LEASE COULD ONLY BE USED FOR THE PURPOSE INDICATED. DISCUSSION OF THIS POINT MADE CLEAR THAT THE DLA DOES NOT INTEND THIS PROVISION TO BE UNREASONABLY RESTRICTIVE BUTY ONLY TO LIMIT THE USE OF CERTAIN PROPERTIES TO RESIDENTIAL PURPOSES AND OTHER TO COMMERCIAL OR OFFICE USE.

B. SECTION 5.1. "LESSOR" SHOULD BE SUBSTITUTED FOR "LESSEE." REVISED TEXT WOULD READ: "IT SHALL BE INCUMBENT UPON THE LESSOR TO KEEP THE PREMISES IN A STATE SUITABLE FOR THEIR USE AS INTENDED UNDER THE LEASE."

3. ACTION REQUESTED.

A. AS REGARDS PARA 1 ABOVE, REQUEST APPROVAL OF SUGGESTED CHANGES IN TRANSLATION OF LEASES. IF DEPARTMENT CONCURS, WE WOULD PROPOSE TO RE-TYPE PAGES 4, 6 AND 8 OF TANSLATION LOCALLY AND SUBMIT REVISED TRANSLATION LIMITED OFFICIAL USE

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TO DLA AS SOON AS POSSIBLE.

B. AS REGARDS PARA 2 ABOVE, LOEFFLER WILL PROVIDE US A LETTER EMBODYING PROPOSED AMENDMENTS TO STANDARD LEASE. (THESE AMENDMENTS APPLY TO LEASES ON PROPERTIES ALREADY EXECUTED BY AUTHORIZED DEPARTMENT OFFICER AND

ALSO TO LEASES NOW BEING FORWARDED ON NORDENDSTRASSE,
MAJAKOWSKIRING AND PLATANENSTRASSE RESIDENCES.)
WE RECOMMEND THA AMENDMENTS PROPOSED BY THE DLA BE
ACCEPTED AND THAT WE BE AUTHORIZED TO INFORM THE EAST
GERMANS ACCORDINGLY.

4. LOEFFLER MENTIONED THAT THE DLA WAS CONSIDERING
PRINTING A STANDARD LEASE AND WOULD, AT SOME FUTURE
POINT, SUGGEST TO US THAT THESE NEW LEASES, PROPERLY
COMPLETED, BE SUBSTITUTED FOR THE CURRENT HECTOGRAPHED
FORMS.

5. DECONTROL 12/31/75.GROVE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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